UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,053	02/25/2004	Naoki Nimura	826.1923	8543

21171 7590 08/12/2008

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
TOLENTINO, RODERICK	
ART UNIT	PAPER NUMBER
2134	
MAIL DATE	DELIVERY MODE
08/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/785,053	NIMURA ET AL.	
	Examiner	Art Unit	
	Roderick Tolentino	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,6,8,9,12,14 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5,6,8,9,12,14 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 February 2004* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 2, 5, 6, 8, 9, 12, 14 and 20 are pending claims 3, 4, 7, 10, 11, 13 and 15 – 19 are cancelled by applicant.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/10/2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 5, 6, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection as necessitated by amendment made by applicant on 06/10/2008.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 5, 6, 8, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schipper et al. U.S. Patent No. (5,987,136) in view of Bolosky et al. U.S. Patent No. (7,043,637) and Yanase U.S. Patent No. (7,003,113).

6. Invention is being interpreted to be a key created by some piece of data followed by standard public key and standard hash algorithms. The invention is rejected using the Schipper and Bolosky ruling and in light of KSR rules.

7. As per claims 1, 2, 5, 6, 8 and 9, Schipper teaches obtaining a position in which a file can be opened as current position information from a position detecting device or as position information from an input device, and obtaining data indicating a number of significant digits of the position information used for encryption or decryption of the file from the input device (Schipper, Col. 13 Lines 53 – 67, Key based on position information), encrypting a-the file by using, as a key, data having high-order digits corresponding to the number of significant digits of the position information obtained from the position information and the data indicating the number of significant digits (Schipper, Col. 8 Lines 50 – 67, key encrypts and decrypts information), but fails to teach further generating a first digest which is data resulting from a hash operation performed on the encrypted file, and .generating public key encryption data by encrypting, using a public key, the data indicating the number of significant digits, the file encrypted using the position information as a key, and the first digest and generating a second digest by performing a hash operation on the .generated public key encryption data, and generating data to be provided by adding the second digest to the public key encryption data and position information specified by the number of high-order

significant digits. However in an analogous art Bolosky teaches teach further generating a first digest which is data resulting from a hash operation performed on the encrypted file (Bolosky, Col. 22 Lines 13 – 23, computes hash of encrypted file) and generating public key encryption data by encrypting, using a public key, the data indicating the number of significant digits, the file encrypted using the position information as a key, and the first digest and generating a second digest by performing a hash operation on the .generated public key encryption data, and generating data to be provided by adding the second digest to the public key encryption data (Bolosky, Col. 13 Lines 40 – 48, Hash of a public key) and Yanase teaches position information specified by the number of high-order significant digits (Yanase, Col. 4 Lines 1 – 24, high-order significant digits which are interpreted to be specific latitude and longitude and latitude information).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Bolosky's on-disk file format for a serverless distributed file system with Schipper's image authentication patterning because it offers the advantage of insuring that the files are stored and accessed in a secure way that prevents access by non-authorized users (Bolosky, Col. 1 Lines 55 – 60).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Yanase's position authentication system and electronic equipment using the same with Schipper's image authentication patterning because it offers the advantage of ensuring an image is not tampered with (Yanase, Col. 1 Lines 1 - 2).

8. As per claim 20, Schipper as modified teaches a program for reading map data from a storage medium on which is recorded map data encrypted with position information which specifies a position in which the map data can be used, the program including allowing the map data to be decrypted only if position information detected by a position detecting device and the position information used to encrypt the map data match (Schipper, Col. 8 Lines 50 – 59, encryption and decryption based on position information).

9. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schipper et al. U.S. Patent No. (5,987,136) in view of Bolosky et al. U.S. Patent No. (7,043,637) and Yanase U.S. Patent No. (7,003,113) and in further view of Bel at al. U.S. Patent No. (7,124,304).

10. As per claim 12, Schipper fails to teach said encrypting includes encrypting the program with the position information and a license key given to a user. However, in an analogous art Bel teaches said encrypting includes encrypting the program with the position information and a license key given to a user (Bel, Col. 2 Lines 49 – 59, encrypts file with License key).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Bel's receiving device for securely storing a content item and a playback device with Schipper's image authentication patterning because it offers the advantage of securely storing and protecting content from unauthorized parties (Bel, Col. 1 Lines 5 – 11).

11. As per claim 14, Schipper teaches encrypted using position information and decrypting the encrypted program with position information (Schipper, Col. 8 Lines 50 – 59, encryption and decryption based on position information) but fails to teach a program encrypted using a license key, and decrypting the encrypted program the license key (Bel, Claim 11, decrypts with license key).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Bel's receiving device for securely storing a content item and a playback device with Schipper's image authentication patterning because it offers the advantage of securely storing and protecting content from unauthorized parties (Bel, Col. 1 Lines 5 – 11).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ELLEN TRAN/
Primary Examiner, Art Unit 2134

Roderick Tolentino
Examiner
Art Unit 2134

Roderick Tolentino
/R. T./
Examiner, Art Unit 2134